

REMARKS

In the Office Action, the Examiner objected to the disclosure as lacking appropriate section headings as outlined in 37 CFR 1.77. In response, applicant has amended the specification by inserting appropriate section headings. Therefore, applicant respectfully requests removal of this ground of objection.

The Examiner then objected to the abstract of the disclosure as containing improper content. In response, applicant has amended the abstract to avoid the basis for the objection. Therefore, applicant respectfully requests removal of this ground of objection.

The Examiner then objected to the form of Claims 1-7. In response, applicant has amended the form of Claims 1 and 6 by separating each element or step with a line indentation and by making minor grammatical changes. Additionally, applicant has amended Claim 3 by replacing the term “can be” with “is”. Therefore, applicant respectfully requests removal of these grounds of objection.

The Examiner then rejected Claims 1-3 and 6-7 under 35 U.S.C. 103(a) as being unpatentable over Gambini (US 6,371,304) in view of Biagiotti (US 5,474,917) and Betti et al. (“Betti”)(US 2003/0015077). Applicant assumes that the Examiner was referring to U.S. Patent No. 5,475,917 to Biagiotti. In response, applicant avers that even if the cited references were combined, one of ordinary skill in the art would not develop that which applicant claims as the invention.

More particularly, applicant avers that the Examiner is misconstruing the disclosure of either the Gambini reference or the claims of the present application. The Examiner stated that “Gambini (Fig. 2, 5, with mobile wall 36) teaches all that is claimed except for expressly teaching thrusters and gripper elements including bands with suction holes, wherein said gripper elements are only activated when said mobile wall is absent.” However, the Examiner has misconstrued part 36 by calling it a mobile wall: “The tongue 36 is normally kept raised by a spiral spring 38 so as to **limit the size of the opening 26...the tongue 36 can be turned downwards...**” (col. 3, lines 36-43) (emphasis added). The present invention claims something different than a tongue that limits the size of an opening: the opening 17, as defined in amended Claim 1, is **completely closed by a mobile wall 18** (page 7, lines 17-18) (emphasis added). This feature is part of Claim 1, and since all the following claims depend from Claim 1, this feature is part of every claim.

Additionally, the movement of the tongue in the Gambini reference differs from the movement of the mobile wall of the present invention. Gambini teaches that “tongue 36...[can] yield to **rotation** when put under strain” (col. 4, lines 16-18) (emphasis added). In distinct contrast, the present invention teaches that a “cylinder 25 is indeed hinged below the mobile wall 18 and determines [the mobile wall’s] **movement forward and backward to close and open the opening 17...**” (page 7, line 25 – page 8, line 2) (emphasis added). Neither the Biagiotti reference nor the Betti reference teaches the use of any type of device to completely close the opening.

Therefore, the combined teachings of the three prior art patents cited by the Examiner fail to make obvious the presence of a mobile element that moves forward and backward rather than rotating, as described in the prior art.

Furthermore, applicant respectfully disagrees with the Examiner’s statement that “Biagiotti teaches that these features [referring to gripper elements and thrusters] are improvements to the prior art roll processors, such as Gambini’s, that merely relied on a gap in the feeding conveyors and gravity for separation.” Biagiotti issued as a patent on December 19, 1995 from an application claiming a foreign priority date of September 28, 1992. Gambini issued as a patent on April 16, 2002 from an application claiming a foreign priority date of March 17, 2000. Therefore, Gambini does not represent prior art when referencing Biagiotti.

The Examiner then rejected Claims 1-6 under 35 U.S.C. 103(a) as being unpatentable over Weis et al. (“Weis”) (US 4,462,287) in view of Biagiotti (US 5,474,917) and Betti et al. (“Betti”) (US 2003/0015077).). Applicant assumes that the Examiner was referring to U.S. Patent No. 5,475,917 to Biagiotti. In response, applicant avers that even if the cited references were combined, one of ordinary skill in the art would not develop that which applicant claims as the invention.

More particularly, applicant avers that the Examiner is misconstruing the disclosure of either the Weis reference or the claims of the present application. The Examiner stated that “Weis (Fig. 1-4, with mobile wall regarded as section 48 shown in fig. 3; col. 2, ln. 52-col. 3, ln. 22 describing actuating piston 76) teaches all that is claimed except for expressly teaching gripper elements including bands with suction holes, wherein said gripper elements are only activated when said mobile wall is absent.” However, the Examiner has misconstrued part 48 by calling it a mobile wall. Weis teaches that “conveyor section 48 is moved relative to conveyor section 46 so that **a gap is created** between first conveyor means 12 and second conveyor means

14.” (col. 2, lines 58-61) (emphasis added). In contrast, the present invention teaches that “the opening 17 is **closed** by a mobile wall 18...” (page 7, lines 17-18) (emphasis added). This feature is part of Claim 1, and since all the following claims depend from Claim 1, this feature is part of every claim. Therefore, while applicant teaches the **closure** of a gap, the Weis reference teaches the **creation** of a gap.

Furthermore, applicant respectfully disagrees with the Examiner’s statement that “Biagiotti teaches that these features [referring to gripper elements and thrusters] are improvements to the prior art roll processors, such as Gambini’s, that merely relied on a gap in the feeding conveyors and gravity for separation.” Biagiotti issued as a patent on December 19, 1995 from an application claiming a foreign priority date of September 28, 1992. Gambini issued as a patent on April 16, 2002 from an application claiming a foreign priority date of March 17, 2000. Therefore, Gambini does not represent prior art when referencing Biagiotti. Additionally, even if Gambini did represent prior art when referencing Biagiotti, the Examiner did not rely upon Gambini in making this rejection. For these reasons, it is requested that this ground of rejection be withdrawn.

In light of the foregoing applicant respectfully submits that that the claims of the present application are in proper form for allowance. Favorable consideration and early allowance are therefore respectfully requested and earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JVC', is positioned above the printed name of the signatory.

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